

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTIS LEE RODGERS,

Plaintiff,

No. CIV S-05-0805 DFL CMK

vs.

D. SHARPE, et al.

Defendants.

FINDINGS & RECOMMENDATIONS


Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. It appears that administrative remedies may be available to address plaintiff's claim(s). See Cal. Code Regs. tit. 15, §§ 3084.1-3084.7. Plaintiff is required to exhaust those administrative remedies before bringing a federal civil rights action. 42 U.S.C. § 1997e(a). A prison inmate in California can satisfy the exhaustion requirement by following the applicable procedures set forth in §§ 3084.1-3084.7 of Title 15 of the California Code of Regulations.

Plaintiff alleges that prison staff confiscated his manuscript unlawfully. After reviewing the complaint filed in this action, the court finds that plaintiff has failed to exhaust administrative remedies. Good cause appearing, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for failure to exhaust administrative remedies.

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1           These findings and recommendations will be submitted to the United States  
2 District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
3 twenty days after being served with these findings and recommendations, plaintiff may file  
4 written objections with the court. The document should be captioned "Objections to Findings  
5 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
6 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
7 (9th Cir. 1991).

8 DATED: June 23, 2005.

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11 **CRAIG M. KELLISON**  
12 UNITED STATES MAGISTRATE JUDGE  
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